

1 DAVID B. GOLUBCHIK (State Bar No. 185520)
TODD M. ARNOLD (State Bar No. 221868)
2 JONATHAN D. GOTTLIEB (State Bar No. 339650)
LEVENE, NEALE, BENDER, YOO & GOLUBCHIK L.L.P.
3 2818 La Cienega Avenue
Los Angeles, California 90034
4 Telephone: (310) 229-1234
5 Facsimile: (310) 229-1244
Email: DBG@LNBYG.COM; TMA@LNBYG.COM; JDG@LNBYG.COM

6 Attorneys for Crestlloyd, LLC, the debtor and debtor-in-possession

7 **UNITED STATES BANKRUPTCY COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9

10 In re

11 CRESTLLOYD, LLC,

12 Debtor and Debtor-in-Possession
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Chapter No.: 11

Case No.: 2:21-bk-18205-DS

**EVIDENTIARY OBJECTIONS TO
DECLARATION OF JAVIER GONZALES
IN SUPPORT OF “J & E TEXTURE, INC.’S
MOTION FOR ORDER: (1) APPROVING
THE SALE OF THE DEBTOR’S REAL
PROPERTY FREE AND CLEAR OF ALL
LIENS, CLAIMS, ENCUMBRANCES, AND
INTERESTS, WITH THE EXCEPTION OF
ENUMERATED EXCLUSIONS; (2)
FINDING THAT BUYER IS A GOOD FAITH
PURCHASER; (3) AUTHORIZING AND
APPROVING THE PAYMENT OF
CERTAIN CLAIMS FROM SALE
PROCEEDS; (4) WAIVING THE
FOURTEEN-DAY STAY PERIOD SET
FORTH IN BANKRUPTCY RULE 6004(h);
AND (5) PROVIDING RELATED RELIEF”**

Date: March 18, 2022
Time: 11:00 a.m.
Place: 255 E. Temple Street
Los Angeles, CA 90012
VIA ZOOMGOV ONLY

1 Crestlloyd, LLC (the “Debtor”), hereby files its evidentiary objections to portions of the
2 “*Declaration of Francisco Javier Gonzalez*” (the “Gonzalez Declaration”) filed in support of
3 the “*Objection to Motion for Order: (1) Approving the Sale of the Debtor’s Real Property Free*
4 *and Clear of All Liens, Claims, Encumbrances and Interests, with the Exception of Enumerated*
5 *Exclusions; (2) Finding that the Buyer is a Good Faith Purchaser; (3) Authorizing and*
6 *Approving the Payment of Certain Claims from Sale Proceeds; (4) Waiving the Fourteen-Day*
7 *Stay Period Set Forth in Bankruptcy Rule 6004(h); and (5) Providing Related Relief*” (the
8 “Objection”) as follows:

9 As an initial matter, most of the statements in the Gonzalez Declaration are not relevant
10 because, among other reasons, the Motion is regarding whether a proposed sale of the Debtor’s
11 Property can be sold free and clear of all liens, claims, encumbrances and interests, that the
12 Buyer is a good faith purchaser, whether the Debtor is authorized to distribute the sale proceeds
13 in order to pay certain claims. The statements regarding J&E’s alleged performance of the
14 contract, and its subsequent foreclosure suit against the Debtor is not relevant.

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

	Paragraph # (Page: Line)	Statement	Objection	
1	¶ 5	“In May/June 2016, the Debtor and Nile Miami began meeting with me to arrange for the purchase and installation of exterior and interior drywall for the residential home being constructed on the real property located at 944 Airole Way, Los Angeles, CA 90077 (the “Property” or “the One”).	FRE 401 Not Relevant. The Statement is not helpful in determining a fact in issue, is irrelevant, and a waste of time to consider in connection with the pending motion.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
2	¶ 6	“ In May/June 2016, the Debtor and Nile Miami began meeting with me to arrange for the purchase and installation of exterior and interior drywall for the residential home being constructed on the real property located at 944 Airole Way, Los Angeles, CA 90077 (the “Property” or “The One”).”	FRE 401 Not Relevant. The Statement is not helpful in determining a fact in issue, is irrelevant, and a waste of time to consider in connection with the pending motion. FRE 602 Lack of Personal Knowledge FRE 602 Lack of Foundation FRE 602 Calls for Speculation	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
3	¶ 9	“Over the next several years, J&E performed under the Contract and hung over 6,000 sheets of drywall. During this time, J&E was not the only contractor working on the project. There was always someone working at the Property, and sometimes 50-60 different people representing different trades at the Property.”	FRE 401 Not Relevant. The Statement is not helpful in determining a fact in issue, is irrelevant, and a waste of time to consider in connection with the pending motion.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
4	¶ 11	“When Debtor failed to satisfy the Mechanic’s Lien, on September 4, 2020, J&E timely initiated case number 20SMCV01229 (the “Foreclosure Suit”), in the Los Angeles County, California Superior Court (the “State Court”) to foreclose its Mechanic’s Lien.”	FRE 401 Not Relevant. The Statement is not helpful in determining a fact in issue, is irrelevant, and a waste of time to consider in connection with the	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

			pending motion.	
5	¶12	“J&E was preparing to obtain a default judgment against the Debtor in the Foreclosure Suit when the Debtor filed its instant bankruptcy case.”	FRE 401 Not Relevant. The Statement is not helpful in determining a fact in issue, is irrelevant, and a waste of time to consider in connection with the pending motion. FRE 403 Argument and Prejudicial	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
6	¶ 13 (3:15-16)	“J&E also asserted an unsecured claim under its Contract for attorney’s fees.”	FRE 401 Not Relevant. The Statement is not helpful in determining a fact in issue, is irrelevant, and a waste of time to consider in connection with the pending motion. FRE 403 Prejudicial	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
7	¶ 14	“To date J&E remains unpaid for its drywall work”	FRE 401 Not Relevant. The Statement is not helpful in determining a fact in issue, is irrelevant, and a waste of time to consider in connection with the pending motion.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

Dated: March 15, 2022

LEVENE, NEALE, BENDER, YOO
& GOLUBCHIK L.L.P.

By: /s/ Todd M. Arnold
DAVID B. GOLUBCHIK
TODD M. ARNOLD
JONATHAN D. GOTTLIEB
LEVENE, NEALE, BENDER,
YOO & GOLUBCHIK L.L.P.
Attorneys for Crestlloyd, LLC

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled **EVIDENTIARY OBJECTIONS TO DECLARATION IN SUPPORT OF OPPOSITION OF SECURED CREDITOR INFERNO INVESTMENT, INC. TO DEBTOR'S MOTION FOR AN ORDER: (1) APPROVING THE SALE OF THE DEBTOR'S REAL PROPERTY FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES, AND INTERESTS, WITH THE EXCEPTION OF ENUMERATED EXCLUSIONS; (2) FINDING THAT THE BUYER IS A GOOD FAITH PURCHASER; (3) AUTHORIZING AND APPROVING THE PAYMENT OF CERTAIN CLAIMS FROM SALE PROCEEDS; (4) WAIVING THE FOURTEEN-DAY STAY PERIOD SET FORTH IN BANKRUPTCY RULE 6004(h); AND (5) PROVIDING RELATED RELIEF** be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **March 16, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Kyra E Andrassy kandrassy@swelawfirm.com, lgarrett@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com
- Todd M Arnold tma@lnbyg.com
- Jerrold L Bregman jlbregman@bg.law, ecf@bg.law
- Marguerite Lee DeVoll mdevoll@watttieder.com, zabrams@watttieder.com
- Danielle R Gabai dgabai@danninggill.com, dgabai@ecf.courtdrive.com
- Thomas M Geher tmg@jmbm.com, bt@jmbm.com;fc3@jmbm.com;tmg@ecf.inforuptcy.com
- David B Golubchik dbg@lnbyg.com, stephanie@lnbyb.com
- James Andrew Hinds jhinds@hindslawgroup.com;mduran@hindslawgroup.com, mduran@hindslawgroup.com
- Robert B Kaplan rbk@jmbm.com
- Jane G Kearl jkearl@watttieder.com
- Jennifer Larkin Kneeland jkneeland@watttieder.com, zabrams@watttieder.com
- Michael S Kogan mkogan@koganlawfirm.com
- Noreen A Madoyan Noreen.Madoyan@usdoj.gov
- Samuel A Newman sam.newman@sidley.com, samuel-newman-2492@ecf.pacerpro.com;laefilingnotice@sidley.com
- Ryan D O'Dea rodea@shulmanbastian.com, lgauthier@shulmanbastian.com
- Sharon Oh-Kubisch sokubisch@swelawfirm.com, gcruz@swelawfirm.com;lgarrett@swelawfirm.com;jchung@swelawfirm.com
- Hamid R Rafatjoo hrafatjoo@raineslaw.com, bclark@raineslaw.com
- Ronald N Richards ron@ronaldrichards.com, 7206828420@filings.docketbird.com
- Victor A Sahn vsahn@sulmeyerlaw.com, pdillamar@sulmeyerlaw.com;pdillamar@ecf.inforuptcy.com;vsahn@ecf.inforuptcy.com;cblair@sulmeyerlaw.com;cblair@ecf.inforuptcy.com
- William Schumacher wschumac@milbank.com, autodocketecf@milbank.com
- David Seror dseror@bg.law, ecf@bg.law
- Zev Shechtman zshechtman@DanningGill.com, danninggill@gmail.com;zshechtman@ecf.inforuptcy.com
- Mark Shinderman mshinderman@milbank.com, dmuhrez@milbank.com;dlatie@milbank.com
- Lindsey L Smith lls@lnbyb.com, lls@ecf.inforuptcy.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

- Genevieve G Weiner gweiner@sidley.com, laefilingnotice@sidley.com;genevieve-weiner-0813@ecf.pacerpro.com
- Jessica Wellington jwellington@bg.law, ecf@bg.law

2. SERVED BY UNITED STATES MAIL: On **March 16, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

None.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **March 16, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

None.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

March 16, 2022

Stephanie Reichert

/s/ Stephanie Reichert

Date

Type Name

Signature